In the High Court of Punjab and Haryana at Chandigarh.

LPA No.226 of 2006(O&M)

Date of Decision:19.12.2006.

Hindustant Petroleum Corporation Ltd. .....Appellant.

through Mr.Anil Malhotra,Advocate.

Versus.

State of Punjab and others. .....Respondents.

***

CORAM:- HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE.
HON'BLE MR.JUSTICE J.S.NARANG.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2.To be referred to the Reporters or not?

3.Whether the judgment should be reported in the Digest?

J.S.Narang, J.

The appellant has invoked the Letters Patent jurisdiction of this Court by way of instant appeal submitted against the judgment rendered by the learned single Judge in CWP No. 16750 of 1999 dated 6.9.2006.

The appellant invoked the extraordinary jurisdiction of this Court under Articles 226/227 of the Constitution of India for seeking issuance of a writ in the nature of certiorari, quashing the award dated 6.1.1999, copy Annexure P-6, passed by respondent no.2 vide which the compensation payable to the land owners has been enhanced from Rs.16

lacs per acre to Rs.27 lacs per acre. A prayer has also been made for setting aside the notice dated 11.11.1999, copy Annexure P-11, issued by respondent no.2, directing the petitioner appellant to deposit a sum of Rs.4,05,14,991/-. The order dated 25.11.1999, copy Annexure P-13 has also been challenged vide which the disbursement of the aforesaid amount has been ordered. The order dated 17.1.2003, copy Annexure P-15 passed by the Reference Court vide which the award dated 6.1.1999 has been upheld, has also been challenged.

The State issued notification dated 25.6.1996 under Section 4 of the Land Acquisition Act,1894, (hereinafter referred to as "the Act") for acquiring land measuring 13 acres 5 kanals and 2 marlas in Village Suchi Pind, District Jalandhar for setting up Petroleum Oil Depot, for storing and distributing various petroleum products in the region. The aforesaid notification was followed by notification dated 7.1.1997 under Section 6 of the Act. The tentative price of the land acquired, payable as compensation was assessed at Rs.16 lacs per acre and 80% of the amount so determined was remitted by the petitioner appellant to the Land Acquisition Collector. The final compensation was derived at by the Financial Commissioner, Revenue, Punjab upon the reference made by the Deputy Commissioner. Learned Financial Commissioner quantified the compensation payable @ Rs.27 lacs per acre vide communication dated 21.12.1998 and that the same was conveyed by the Deputy Commissioner vide communication dated 23.12.1998. Interestingly these communications were never made the subject matter of the challenge by invoking the extraordinary jurisdiction of this Court. However, the matter has been dealt with by the learned single

Judge threadbare and it has been observed that the petitioner appellant was well aware that the value of the land assessed earlier vide communication dated 26.2.1997 was tentative but subsequently examining the status accordingly the market value was assessed at Rs.27 lacs per acre by the learned Financial Commissioner. It has also been noticed that the claimants had sought reference under Section 18 of the Act before the Reference Court for seeking enhancement of the compensation from Rs.27 lacs per acre to Rs.50,000/- per marla. However, the Reference Court upheld the compensation assessed by the learned Acquisition Collector @ Rs.27 lacs per acre. No doubt, right to appeal lay against the award but none had been filed by anyone as nothing has been point out or referred to in the petition or before us. Considering the totality of the factual status disclosed and the matter having been considered deeply by the learned single Judge, we find no reason to interfere in the judgment dated 6.9.2006 rendered in CWP No.16750 of 1999. It may also be noticed that the Financial Commissioner has exercised the power envisaged under the Act while re-appraising the value assessed at Rs.16 lacs per acre and in his wisdom the value had been re-assessed @ Rs.27 lacs per acre. The power has been exercised correctly as no infirmity therein has been point out. We find no merit in the appeal and the same is dismissed.

(Vijender Jain)
Chief Justice

(J.S.Narang)
Judge

19.12.2006.
rpj